

## ORDINANCE

### A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-302, 5-200, 6-102, 6-300 AND 15-300 TO AMEND THE REGULATIONS AUTHORIZING HOME OCCUPATIONS AND RELATED ACCESSORY USE PROVISIONS

WHEREAS, it is appropriate to amend the Zoning Ordinance to refine requirements for commercial retail and business uses; and

WHEREAS, home occupations constitute an important segment of the business community in Fauquier County; and

WHEREAS, Fauquier County seeks to provide clearer and more flexible zoning regulations in support of business development in the County; and

WHEREAS, on August 10, 2006, the Board of Supervisors initiated this text amendment; and

WHEREAS, on October 16, 2006, the Planning Commission held a work session on the proposed text amendment and on October 26, after a public hearing, the Planning Commission forwarded the proposed text amendment to the Board of Supervisors recommending approval; and

WHEREAS, on November 9, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendments to Sections 3-302, 5-200, 6-102, 6-300 and 15-300 support good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 9<sup>th</sup> day of November 2006, That Sections 3-302, 5-200, 6-102, 6-300 and 15-300 related to authorized home occupations Section 2-310 be, and are hereby, amended as follows:

#### PART 1

#### 6-100 ACCESSORY USES AND STRUCTURES

##### 6-102

##### Permitted Accessory Uses

11. **Parking of commercial vehicles/tractor trailers subject to the following limitations:**
  - A. **In a residential district,** parking of not more than one commercial vehicle per occupant~~ey~~/operator ~~in a residential district~~ **shall be allowed,** but not to include any tractor trailer or vehicle exceeding one and one-half (1 ½) ton

capacity. Parking shall not be in any required front or side yard.

- B. In the rural zoning districts, **parking of not more than one commercial vehicle/tractor trailer per occupant/operator shall be allowed, except** the parking of any tractor trailer or vehicle exceeding one and one-half (1 ½) ton shall not be permitted on a parcel of one (1) acre or less. Parking also shall not be permitted in any required setback. **Vehicles utilized for agriculture shall not be included in this limitation.**

*<This language represents no change for residential districts, but is a significant change in rural districts. Currently, for parcels over an acre, an unlimited number of tractor trailers/commercial vehicles are allowed. The proposed change limits the number to one per occupant/owner. The current regulations authorizing unlimited accessory commercial vehicles are in conflict with the current regulations on home occupations. An unlimited number of commercial vehicles are allowed in the rural districts by this provision, yet other provisions of the zoning ordinance do not allow these vehicles to be utilized in any business. The revised language allows a single commercial vehicle for each owner/operator in the rural districts, as is currently allowed in residential districts. This would allow individuals to bring home and park a commercial truck from the business at which they work, but does not allow them to have multiple vehicles, suggesting a business is operating from the premises. Additional commercial vehicles are now authorized as part of the home occupation regulations in Section 6-300. Note that language has been added to clarify that the prohibition on commercial vehicles/heavy equipment does not include any such vehicles/equipment utilized in conjunction with farming the property. The prohibition against 1-1½ ton vehicles in Residential district unless stored indoors is an existing provision, currently found in 6-103(1). >*

- 30. Day Care services may be provided from a residence for no more than five children (excluding children living on the premises).** *<This provision is now under Section 6-300 as a home occupation, approved by administrative permit, but state law prohibits a jurisdiction from requiring any approval for this size home day care facility. Therefore, the use has been placed here, under the list of accessory uses allowed by-right.>*

- 31. The letting for hire of not more than two rooms to not more than two persons for periods no shorter than one month.** *<The letting of hire of not more than two rooms to not more than two persons for non-transients is now listed as a home occupation. The use is moved here under the accessory use section where it appears to fit better. Note that the revised language replaces the general “non-transient” language with specific language that rentals must be for at least a month. The idea is to clarify that this does not include bed and breakfasts or tourist homes, etc., which are separately authorized as a use elsewhere in the ordinance subject to certain limits.>*

6-103

**Accessory Uses Not Permitted**

- ~~1. Outdoor storage or overnight parking of buses, trucks or other vehicles exceeding one (1) ton capacity in a Residential District.~~ *<This provision conflicts with 6-102(11) which specifically authorizes commercial vehicles up to 1 ½ tons in residential districts. It appears the intent of this limitation was not to allow those vehicles in the 1-1½ ton range unless they are parked only during the day or are stored within buildings. This limitation has now been incorporated into 6-102(11), for clarity.>*

PART 3

**6-300 HOME OCCUPATIONS**

6-301

**Authorization**

Home occupations are permitted as an accessory use to residential use within all dwelling units subject to the following provisions and any use limitations applicable in the zoning district in which located. **Except as otherwise specifically authorized in the standards set forth below, only members of the household residing on the premises may be engaged in a home occupation. More than one home occupation shall be allowed in a single residence only if the cumulative impacts of such home occupations are no more than those authorized under the standards and limits of this section.** *<Currently, the home occupation definition is in the definitions section of the ordinance; defining what constitutes a home occupation within the home occupation section helps clarify what is allowed.>*

**For purposes of this ordinance, Home Occupations are grouped into two categories. Minor Home Occupations may be authorized by approval of an administrative permit by the Zoning Administrator. Major Home Occupations require authorization by approval of a special permit by the Board of Zoning Appeals.**

*<Currently, home occupations are either approved through an administrative permit or special permit. The basic approval structure is not changing.>*

**6-302**

**Minor Home Occupations Allowed by Administrative Permit**

**1. An administrative permit authorizing a home occupation may be issued by the Zoning Administrator for any home occupation meeting the following limitations:**

**A. The proposed home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. In no case, shall more than 25% of the gross floor area of the dwelling be utilized for a home occupation. Alternatively, the use may occupy up to 500 square feet of an accessory structure.***<Currently, there is a limit of 250 square feet for all by-right home occupations; the change to 25% or 500 square feet represents a significant increase. Home occupations requiring more space would also be allowed, but require approval of a special permit. Note: the Chamber representative has suggested that there be no square footage limit, but only the 25% limit.>*

**B. Other than family members living on the premises, no more than one employee who comes to the premises shall be employed in the home occupation.***<This is the current rule. The language clarifies that employees who never come to the site are not counted as employees under this rule. Note: The Chamber representative has suggested that two employees be allowed by-right.>*

**C. All public contact related to such a use shall be limited to the period between 7:00 A.M. and 8:00 P.M.***<The current regulations provide no limit for some home occupations; however, most home occupations with public contact are now limited to either 8:30AM-8PM or 7AM to 8PM.>*

**D. All activities related to the home occupation shall occur indoors. There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation, including display of goods, or storage of equipment or materials outside of a fully enclosed structure.***<Existing language requires the activity to occur within the dwelling or accessory structure and also prohibits outdoor display or storage of goods, equipment, etc.>*

**E. No retail or wholesale sales shall occur unless:**

- i. No clients or customers come to the site in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.; or**
- ii. The business is a “Direct Sales” type business, where customers are on the premises only by prior, individual invitation.**

*<Currently, the zoning ordinance allows no retail sales in conjunction with home occupations by-right, except in conjunction with cottage industries in the village zone (where products are produced on site). In other zoning districts, products produced or substantially improved on site are allowed with special permit approval. Historically, direct-sales type businesses (i.e. Avon, Tupperware, Amway, etc.) were approved for office use only, with no sales allowed on the premises. This revised language accommodates direct-sales type retail uses, which rely on individuals being able to operate from their homes. Clients would be able to come to the home on an invitation basis, providing these small businesses more reasonable flexibility than currently exists. The proposed language also clarifies that retail sales where everything occurs off-site are not prohibited; this could include the sale of goods via computer or off-site.>*

**F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Deliveries shall be limited to normal daily deliveries by public and private mail carriers.**

*<This language is new, and seeks to limit traffic to levels that would normally be anticipated within a residential area. Note: Most home occupation ordinances also limit the number of customers/clients coming to the site to a certain maximum number per day or week, or to a certain number at a time. Currently, the limits placed on home occupations by the ordinance vary significantly depending on the use. Professional offices have no limits. Teachers/tutors are limited to no more than 4 students at a time. Most other home occupations involving services (customers to the site) are not allowed by-right at all, under the current regulations. At the initial BOS work session on the ordinance, there was some suggestion that there should be no limit on the customers coming to the premises for any home occupation, as is now the case for office uses. Staff has some concern that an unlimited number of visitors for any home occupation could potentially create impacts on adjoining properties. One issue to be addressed is whether there should be limits on the number of customers/clients that may come to the premises, and if so, whether those limits should vary depending on the type of activity.>*

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**G. Academic or other instructions may not be given to more than four persons at the same time.**

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*<This is the current rule; teachers/tutors are limited to 4 students at a time.>*

**H. The applicant shall demonstrate that adequate parking area is available to serve the use. No such parking shall be located in a required front yard except within an existing driveway.**

*<This is a new provision. It is particularly important if there is no limit on visitors that the site be able to handle the visitors, by providing parking. Smaller sites with no parking would self-limit on visitors through this provision.>*

**I. No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. No hazardous materials shall be stored or utilized on-site in conjunction with the activity.**

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*<The current language in the ordinance limits any equipment not typically found in a home. This language allows any equipment, provided it is not discernable or dangerous.>*

**J. No commercial vehicles related to the home occupation beyond those authorized by Section 6-102(11) shall be parked or regularly brought to the premises, nor shall any such vehicles be parked on any public or private street within a ¼ mile of the premises.**

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*<This prohibition effectively excludes home occupations by-right which involve commercial trucks and heavy equipment, other than allowing a single commercial vehicle for each owner/operator, which is already allowed in all residential and rural districts by Section 6-102(11). Home occupations involving commercial vehicles are likely to be more intrusive and are captured under the major home occupation section, for approval with a special permit.>*

**K. Signage shall be limited to that authorized by 8-1401(1).**

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*<One sign, not exceeding 2 square feet in area, not illuminated, height not to exceed 6 feet.>*

**L. Such uses shall not be listed in Section 6-304 or be similar thereto, as determined by the Zoning Administrator.**

*<This list of prohibited uses is carried forward from the current ordinance, with minor modifications as set forth elsewhere in the proposed amendment.>*

**Major Home Occupations Allowed by Special Permit Approval**

**The following home occupations may be authorized as a Major Home Occupation by approval of a special permit by the Board of Zoning Appeals:**

- 1. Any home occupation meeting all standards set forth in Section 5-201;**
- 2. Small contracting business in the RC, RA, V, C-2, I-1 and I-2 districts, subject to the standards set forth in Section 5-202.**
- 3. Auto repair garage in the RC, RA, RR-2, I-1 and I-2 districts subject to the standards set forth in Section 5-203.**
- 4. Classic car sales subject to the standards set forth in Section 5-204.**
- 5. Gunsmithing subject to the standards set forth in Section 5-205.**
- 6. Pet Grooming subject to the standards set forth in Section 5-206.**

**Uses Not Permitted as Home Occupations**

**Permitted home occupations shall not in any event be deemed to include:**

- 1) ~~antique shops, gift shops or other~~ retail uses except those specifically authorized by section 5-201(4) or 6-302(1)(E);**
- 2) funeral chapel or funeral home;**
- 3) assembly uses, including places of worship;**
- 4) medical or dental office, clinic, hospital, or care facility [Note: medical/dental office uses may be authorized by special permit in the residential districts under Section 3-319];**

*<Oddly, while medical and dental offices are specifically prohibited as home occupations here, they are also specifically authorized today under Section 6-302. In practice, such offices have not been approved under the home occupations provisions, but rather have been approved as professional offices in the residential districts, requiring a special permit. With the maintenance of this language in the revised ordinance, medical and dental offices would continue to require special permit approval. As such offices are typically more high volume than most office uses, this approach seems like an appropriate one to assure impacts on adjoining properties are minimized or mitigated.>*

- 5) renting of trailers, equipment, vehicles, machinery;**
- 6) clubs, eating or drinking establishments;**

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- 7) kennel, veterinary clinics/hospitals, pet grooming (except as specifically authorized in 6-303(6)).
- 8) bed and breakfast, tourist home, <these are allowed, but not as a home occupation>
- 9) abattoir,
- 10) motor vehicle related uses except as specifically authorized in 6-303(3)&(4),
- 11) recreation uses,
- 12) adult entertainment activities/businesses
- 13) dismantling, junk, scrap or storage yards (except small contracting business as specifically authorized by 6-303(2)).

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6-302

### Permitted Home Occupations

Home occupations include the following uses and those uses determined by the Zoning Administrator to be sufficiently similar thereto in terms of type, scale and impact:

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- ~~1. Artists and sculptors.~~
- ~~2. Authors and composers.~~
- ~~3. Dressmakers, seamstresses and tailors.~~
- ~~4. Family day care home limited to not more than five (5) children, excluding the provider's own children and any other children residing in the home.~~
- ~~5. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, ceramics and similar light manufacturing uses.~~
- ~~6. Office facility of a minister, rabbi, priest or other similar person associated with a religious organization.~~
- ~~7. Office facility of salesman, sales representative or manufacturer's representative, provided that no retail or wholesale transactions are made on the premises.~~
- ~~8. Office facility, of an architect, artist, broker, consultant, dentist, hysician, professional therapist, engineer, planner, landscape architect, public relations practitioner, instructor in arts and crafts, insurance agent, land surveyor, lawyer, musician, real estate agent and typist.~~
- ~~9. School of special education whose class size does not exceed four (4) pupils at any given time.~~

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- ~~10. The letting for hire of not more than two (2) rooms, for rooming or boarding use for not more than two (2) persons, neither of whom is a transient.~~
- ~~11. Repair service establishment as a home occupation with special permit approval.~~
- ~~12. Sales of antique/classic automobiles where not more than 3 cars are inventoried, all cars are stored indoors, and there is no on site signage or advertising with special permit approval.~~
- ~~13. Pet Grooming with special permit approval in the RC, RA, RR 2, R 1, R 2 and R 4 zoning districts and permitted by right in the Village zoning district.~~
- ~~14. Gunsmithing with an inventory for retail sales of not more than ten (10) guns at any one time, none of which can be fully automatic, with no on site signage or advertising and with special permit approval.~~
- ~~15. Transportation/courier businesses with special permit approval.~~
- ~~16. Farriers, by right in all districts when the farrier travels off site for business, by right in the Agriculture, Conservation, and Rural Residential Districts when the farrier works at his home, and by special permit in all other districts when the farrier works at home.~~

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#### **6-303 Uses Not Permitted as Home Occupations**

~~Permitted home occupations shall not in any event be deemed to include antique shops, barbershops or beauty parlors, funeral chapel or funeral home, gift shop, medical or dental clinic or hospital, renting of trailers, restaurants, riding or boarding stable or kennel, tourist home, clinic or hospital, abattoir, motor vehicle related uses (see Section 3-314), commercial recreation uses, massage parlors and fortunetellers.~~

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#### **6-304 Use Limitations**

~~In addition to the use limitations applicable to the zoning district in which located, all home occupations shall be subject to the following use limitations:~~

- ~~1. A home occupation must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in any accessory building thereto which is normally associated with a residential use.~~
- ~~2. No retail sales shall be conducted on the premises (for uses allowed in accordance with Section 3-302.1).~~

3. ~~No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or avocation not conducted for gain or profit, or machinery or equipment which is essential in the conduct of the home occupation.~~

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4. ~~No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.~~

5. ~~No more than one (1) person other than a member of the household occupying such dwelling shall be employed.~~

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6. ~~No sign shall be permitted except in accordance with the provisions of Article 8.~~

	SITE PLAN	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
<b>3-302 RESIDENTIAL BUSINESS (CATEGORY 2)</b>																		
<b>1. Minor Home Occupations</b>		<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>
<b>2. Major Home Occupations</b>		<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>	<b>SP</b>
1. Home occupation with no retail — sales or service	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2. Home occupation with retail	-	SP	SP	SP	P	SP	SP	SP	SP	SP	SP	SP	P	P	P	P	-	-
3. Home occupation with service	-	P	P	P	P	P	SP	SP	SP	SP	SP	SP	P	P	P	P	-	-
3. Small contracting business		SP	SP	-	SP			-						SP	-		SP	SP
5. Cottage industries	-	SP	SP		SP									SP			SP	SP
4. Auto repair garage	X	SP	SP	SP			-											

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

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**5-201****Standards for Major Home Occupations**

- 1. The proposed home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.** *<By-right home occupations are limited to 25% of the gross floor area or 1000 square feet, whichever is less; this broader standard allows the BZA to allocate more space to the use, provided the use itself is still clearly incidental to the main residential use of the property.>*
- 2. There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation, including outside display of goods, or storage of equipment or materials in other than a fully enclosed structure.** *<By-right home occupations must occur completely indoors. This looser standard would allow the BZA to authorize a home occupation where some activity occurs outdoors.>*
- 3. No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. No hazardous materials shall be stored or utilized on-site in conjunction with the activity.** *<This is the same standard proposed for by-right home occupations.>*
- 4. Retail goods may be authorized for display, storage or sale on the premises provided the goods are:**
  - a) hand-crafted items that have been produced on the premises,**
  - b) items that have been substantially repaired on site, adding at least 100% of the value; or**
  - c) items accessory to the main business and sold only to clients or customers utilizing the main business.***<Under the existing home-occupation provisions, retail sales in conjunction with home-occupation always requires a special permit (with one exception, the village zone) and always limits goods for sale to those which have actually been produced, or in the case of cottage industries, substantially repaired on the premises. The proposed language maintains the ability to sell goods that have been*

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*produced or substantially repaired on premises, but also adds the ability for sale of some accessory goods for non-retail businesses. An example would be a beauty parlor that could sell shampoo products to its clientele.>*

**5. No more than two employees other than members of the household residing on premises, may be authorized on parcels less than five acres in size. No more than five such employees may be authorized for homes located on parcels at least five acres in size.**

*<Currently, only cottage industries and contracting businesses may have more than one non-resident employee engaged in the home occupation. This proposed change is a significant one. Adding employees potentially adds other activity, including more traffic to the site as more customers/clients are likely with more employees. On the other hand, a business with five employees which has no customers or clients to the site is likely to be less impactful than a business with no employees but a steady stream of clients to the site during the day. And the zoning ordinance already allows an office use in the rural and residential districts even where it is not a home occupation. Therefore, there are certainly instances where additional employees may be authorized without additional impacts to surrounding properties. The special permit process would allow the BZA to evaluate this issue on a case-by-case basis, while imposing such conditions as necessary to insure minimal impacts. Note: the Chamber representative has suggested that the limit be no fewer than four employees for any parcel.>*

**6. Off-street parking for the use shall be provided in the amount deemed necessary by the Board of Zoning Appeals. Parking shall not be located in any required front yard, except within an existing driveway.**

*<The current standards for special permit home occupations require parking to be provided consistent with the parking standards for site plans. Allowing the BZA to establish the parking level provides more flexibility for dealing with unique home occupations and also avoids unnecessary paving of residential/rural lots to provide parking.>*

**7. All public contact related to such use shall be limited to a period between 7:00 AM and 8:00 PM, unless specifically authorized otherwise by the BZA.**

*<The current limit on most special permit home occupations is 7AM to 8PM; this revised language allows more flexibility to the BZA for unique circumstances.>*

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**8. Signage shall be limited to that authorized by 8-1401(1).**

**5-201 Standards for Home Occupations with No Retail Sales**

- ~~1. Such use shall be permitted as a home occupation in accordance with Section 6-302 and shall not be listed in Section 6-303 or similar thereto.~~
- ~~2. All public contact related to such a use shall be limited to the period between 8:30 A.M. and 8:00 P.M.~~
- ~~3. Signs shall be limited to those allowed for home occupations in the zoning district where located.~~
- ~~4. Such use shall satisfy the use limitations set forth in Section 6-304.~~

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**5-202 Standards for Home Occupations with Retail Sales and Services**

- ~~1. Such use shall be permitted as a home occupation in accordance with Section 6-302 and shall not be listed in Section 6-303 or similar thereto.~~
- ~~2. All public contact related to such a use shall be limited to the period between 7:00 A.M. and 8:00 P.M.~~
- ~~3. Off street parking for the use shall be provided in accordance with the provisions of Article 7 in addition to that required for the dwelling unit and shall not be located in any required front yard.~~
- ~~4. Signs shall be limited to those allowed for home occupations in the zoning district where located.~~
- ~~5. Such use shall satisfy the use limitations set forth in Section 6-304, except that retail sales may not be displayed, stored or sold on the premises other than that which is produced on the premises.~~
- ~~6. Such use shall have frontage on a public street maintained by VDOT.~~

**Standards for Small Contracting Businesses**

1. **The use shall be allowed only in the RA, RC, V, C-2, I-1 and I-2, on parcels with a** The minimum lot size of **requirement shall be five (5) acres.**
2. All off-street parking and loading spaces, storage and loading areas, storage and structures which are related to such use shall be located not less than fifty (50) feet from any lot line.
3. Not more than five (5) persons shall be engaged in the on-site operation of the business **except for parcels over 50 acres in size no more than 10 persons may be authorized.** *<At issue is whether the county would like to provide more opportunity for contractor's businesses from larger rural parcels. This use is one which we most frequently get requests for and are unable to authorize. In addition, illegal contracting businesses are one of our more frequent zoning violations, and it may be, at least in part, due to the fact that such businesses cannot legally be authorized. Staff is proposing for consideration a parallel increase in the number of vehicles allowed (from 5 to 10) and in the space allowed to be utilized (from 5,000 sq.ft. to 10,000 sq.ft.). There is no question that the larger business would produce more impacts, such as traffic. However, given the level of traffic allowed for other types of home occupations, where visitors and clients are allowed throughout the day, a somewhat larger contracting business may not be unreasonable, particularly on large parcels where substantial space is available to store the associated trucks and equipment without impact to surrounding properties.>*
4. Not more than five (5) vehicles in excess of **1½ ¾ ton** and/or pieces of equipment shall be operated from the site or stored there overnight, **except for parcels over 50 acres in size, no more than 10 such vehicles may be authorized.**
5. Such a use shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals finds that the type and amount of traffic generated by the particular use is such that it will not cause an undue impact on the neighbors or adversely effect safety of road usage.
6. The area covered by all structures used in connection with such a use shall not exceed a total of five thousand (5,000) square

feet, ~~except for parcels over 50 acres in size, no more than 10,000 square feet may be authorized.~~

7. The area covered by any outdoor storage in connection with such a use shall not exceed a total of five thousand (5,000) square feet, ~~except for parcels over 50 acres in size, no more than 10,000 square feet may be authorized.~~
8. All parking, loading and open storage shall be effectively screened from view.
9. **No manufacturing, processing or assembly shall occur in conjunction with the home occupation.** *<While this is new language, it is not a new restriction. A contractor's business, by definition, does not involve on-site manufacturing or processing of materials. For example, a landscaping contractor may not make mulch on the site, as making mulch is categorized as a different use under the zoning ordinance. This language is being added to clarify the limitations of what constitutes a contractor's business.>*

**109.** A special permit **for a small contracting business** may **only** be issued for a period not to exceed one year, and each permittee shall apply ~~annually~~ **at least 60 days prior to expiration** annually to the Zoning Administrator for a renewal of ~~his~~ **the** permit, should **a renewal be desired** ~~he so desire.~~ **Upon application for renewal,** if the Zoning Administrator determines that all ~~of the~~ conditions under which the permit was issued have continued to be complied with, and that there have been no changed conditions, the Administrator shall renew said permit for an additional period of one year. If, however, the **Zoning Administrator finds that the** permittee has not complied with each and every ~~one of the~~ conditions imposed ~~upon him,~~ or in the event of changed conditions, the Zoning Administrator shall **deny renewal of the special permit** ~~revoke the temporary special permit in accordance with the provisions of Section 015.~~ **If the permittee does not apply for the renewal, the permit shall expire at the end of the one year period.** *<The annual renewal is proposed to be retained because contractor's uses are a frequent zoning enforcement issue. The annual renewal facilitates an annual inspection by zoning staff to assure ongoing compliance with limitations. The County may wish to consider whether, after a certain period of time in compliance, such uses could be approved for longer than a year.>*



110. Small Contracting Businesses include the following **types of contracting** uses and those uses determined by the Zoning Administrator to be sufficiently similar thereto in terms of type, scale and impact.

- A. Construction and/or repair of building, roads, fencing and utility lines.
- B. Installation and servicing of heating, cooling and electrical equipment, flooring, painting, plumbing, roofing and tiling.
- C. Excavating.
- D. Custom farming not in conjunction with a farming operation.

**E. Landscaping Services and Contractors**

~~124. Such uses shall be permitted as a home occupation in accordance with Section 6-302 and shall not be listed in Section 6-303 or similar thereto.~~

**13. Signage shall be limited to that authorized by 8-1401(1).**

**14. Site plan approval is required.** *<This is a new requirement. Currently, the only home occupation requiring a site plan is auto repair. However, since a contracting business often involves construction of a significant building, parking area or storage area, a site plan is appropriate. In cases where physical improvements are not part of the proposal, the site plan can be waived, as it is for other commercial uses.>*

~~11. Small Contracting Businesses must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in any accessory building thereto which is normally associated with a residential use.~~

**5-204 Additional Standards for Cottage Industries**

*<Cottage industries is proposed to be eliminated as a separate category, but would still be allowed as minor and major home occupations, depending on the nature of the activity.>*

~~1. Such uses shall be permitted as a home occupation in accordance with Section 6-302 and shall not be listed in Section 6-303 or similar thereto. Such use may also include~~

~~production of products requiring trade skills such as carpentry, plumbing, electrical and printing.~~

- ~~2. A cottage industry must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in any accessory building thereto which is normally associated with a residential use.~~
- ~~3. Not more than two (2) persons, other than bona fide residents of the site, shall be engaged in the operation of the business, including part time employees.~~
- ~~4. Such a use shall be conducted within the dwelling of the proprietor or within a separate structure not exceeding one story or 1,000 square feet in gross area and shall be located to the rear of the proprietor's dwelling.~~
- ~~5. Except for articles produced or substantially repaired on the premises, no stock in trade shall be displayed, stored or sold on the premises. "Substantially repaired" shall be deemed to include only repairs adding 100% to the value of an article.~~
- ~~6. No outside storage, display or sales of equipment, materials or stock in trade related to the business shall be allowed.~~
- ~~7. Signs shall be limited to those allowed for home occupations in the zoning district where located.~~
- ~~8. Off street parking and loading for the use shall be in accordance with the provisions of Article 7 in addition to that required for the dwelling unit and shall not be located on any required yard.~~

**5-2035**

#### **Standards for Auto Repair Garages**

- ~~1. Must be conducted within a dwelling which is a bona fide residence of the principal practitioner or in any accessory building thereto which is normally associated with a residential use.~~
- ~~2. All employees must reside on the lot and shall not exceed two.~~
- ~~3. All work shall be accomplished and vehicles in excess of two shall be located in a completely screened area and shall not be in any required yard.~~
- 1. The use shall be allowed only in the RA, RC, RR-2, CV I-1 and I-2 districts, on parcels with a 4-A minimum lot size of 2 acres shall be required.**
- 2. The proposed home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.**
- 3. One No non-resident employees are is allowed.**

45. No more than ~~Limited to~~ 6 vehicles shall be on the site at any one time for service. All vehicles shall be stored and all work shall be accomplished within an enclosed structure or within a completely screened area. In no case shall vehicles be stored in any required yard.

5. Retail goods may not be displayed, stored or sold on the premises, except parts to be installed as part of the repair operation.

6. No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

7. All public contact related to such a use shall be limited to the period between 7:00 A.M. and 8:00 P.M.

8. Signage shall be limited to that authorized by 8-1401(1).

9. Site plan approval is required.

*<The separate set of standards for an auto repair business are maintained in this proposal; these standards are generally the existing standards, clarified. Note: the Chamber representative has suggested that the more stringent limitations on employees be removed and that this use be allowed non-resident employees as any other business is allowed.>*

**5-204**

**Standards for Sales of Antique/Classic Automobiles as a Home Occupation**

1. The proposed home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.

2. No non-resident employees are allowed.

3. No more than 3 cars shall be inventoried for sale.

4. All automobiles shall be stored and any work on the automobiles shall be done indoors, within a completely enclosed structure.

5. No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

**6. All public contact related to such a use shall be limited to the period between 7:00 A.M. and 8:00 P.M.**

**7. No on-site advertising or signage allowed.**

*<The current standards for classic car sales are more restrictive than the standards for most other home occupations, limiting the number of cars to three, allowing no employees, and allowing no signage. The Chamber representative has suggested that these special limits be removed, with the use allowed to have more vehicles and employees and signage.>*

**5-206 Additional Standards for Transportation/Courier Businesses**

~~1. No more than two (2) employees shall be permitted, and both shall be bona fide residents of the property.~~

~~2. No commercial sign/advertising shall be allowed on vehicles when parked on the site. No signs will be permitted on the property.~~

~~3. Vehicle size may not exceed a standard passenger van.~~

~~4. No dispatching will be allowed from the site.~~

*<This use has been deleted as a separate home occupation category, but the use could still be authorized as a minor or major home occupation.>*

**5-205 Standards for Gunsmithing as a Home Occupation**

**1. The proposed home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.**

**2. There shall be no change in the outside appearance of the building or lot, nor other visible evidence of the conduct of such home occupation, including outside display of goods, or storage of equipment or materials in other than a fully enclosed structure. For the purposes of this section, outdoor storage shall include storage in a trailer and/or open truckbed.**

**3. No non-resident employees allowed.**

- 4. No equipment or process used in such home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. No test firing of weapons shall occur on the site.**
- 5. The inventory for retail sales shall not exceed 10 guns at one time, none of which can be fully automatic.**
- 6. All public contact related to such a use shall be limited to the period between 7:00 A.M. and 8:00 P.M.**
- 7. No on-site advertising or signage allowed.**

*<Gunsmithing has been left as a separate category in the revised ordinance because historically it has only been allowed subject to more stringent requirements than other home occupations (no employees, no signage, limited gun inventory. As an alternative, the special standards on gunsmithing could be deleted and this home occupation would then be allowed as a minor or major home occupation subject to the standard conditions. Note: the Chamber representative has suggested that Gunsmithing be treated no differently than any other home occupation, eliminating the limitation on employees, signage and number of guns.>*

**5-206**

**Standards for Pet Grooming as a Home Occupation**

- 1. All public contact related to such a use shall be limited to the period between 7:00 A.M. and 8:00 P.M.**
- 2. No more than two ~~one~~ employees other than members of the household residing on premises may be authorized.**
- 3. Off-street parking for the use shall be provided in the amount deemed necessary by the Board of Zoning Appeals. Parking shall not be located in any required front yard, except within an existing driveway.**
- 4. Signage shall be limited to that authorized by 8-1401(1).**

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